REMARKS

Claims 1, 4-6, 8, 30, 31 and 36-39 were examined in the Non-Final Office Action dated 06/12/2009 (hereafter "Outstanding Office Action"). All the examined claims were rejected.

By virtue of this response, claims 1, 11, 18, 19, 30-33, and 36-38 are sought to be amended, claims 21, 24-29, 34-35 and 39 are sought to be cancelled and new claim 40 is sought to be added. The amendments, cancellations and additions are believed not to introduce new matter and their entry is respectfully requested. The amendments and cancellations are made without prejudice or disclaimer.

Claims 1, 4-6, 8, 30, 31, 36-38 and 40 are thus presented for reconsideration further in view of the below remarks.

Claim Amendments and Additions

Independent claims 11 and 36 are sought to be amended to indicate that the client examines a parameter representing the processing load on the server, in determining whether to send data in compressed format or without compression. The amendments are supported at least by Figures 2 and 3, and paragraphs 29, 30, 33-37, 50-52, 58 and 60 of the Application as filed.

New claim 40 also recites a similar feature and is supported by the above noted portions of the specification.

The additions/amendments are believed not to introduce new matter and their entry is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 4-6, and 30-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 7,089,286 issued to Malik (hereafter "Malik") in view of US Publication No. 2005/0055464 naming as inventor Weller (hereafter "Weller"). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Malik in view of Weller as applied to claims 1,4-6, and 30-31 above, and in view US Publication No. 2005/0144309

naming as inventor Gish (hereafter "Gish"). Claims 36-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Malik in view of US Publication No. 2005/0192978 naming as inventors Lightstone *et al* (hereafter "Lightstone").

Applicants respectfully traverse with respect to claim 1 and submit that all the presented claims are allowable over the art of record, without acquiescing to any of the assertions in the Outstanding Office Action.

For example, Malik teaches that compression is used when the network traffic at the recipient increases, while in claim 1, compression is NOT used when the processing load is higher at the remote side. This point was raised in the previous response dated 25-Feb-2009 and the Examiner agrees with it in relying on Weller to teach such a feature.

Thus, the Examiner relies on Weller for the feature of compressing when the processing load is lower than a threshold (arguably similar to the recitation of claim 1). See page 7 first three paragraphs of the Outstanding Office Action.

It is respectfully pointed out that while the client of Malik determines locally (in client system) whether or not compress, Weller makes the decision at the server system. The Examiner appears to ignore this contradiction, and selectively chooses to combine the features of Weller with Mallik in rejecting previously presented independent claim 1.

Thus, Malik teaches away (in suggesting a technique, which is opposite effect) from the invention of claim 1. The combination of Malik and Weller is accordingly based only on hindsight gleaned from the Applicant's disclosure.

Furthermore, the feature of Malik relied upon by the Examiner operates in the recipient LAN of Malik, while the features of Weller operates in a server system. Therefore, combining the two concepts would at least require undue experimentation, and thus also the combination is not obvious to combine.

Previously presented claim 1 is accordingly not rendered obvious by the art of record for one or more of the reasons noted above. The remaining independent claims 36 and 40 are

also allowable over the art of record for similar reasons.

Independent claims 36 and 40 are allowable for the additional reason in reciting that the **client system examines a parameter value representing the processing load** on the server, and the decision whether to use compression or not **is made in the client system**.

In sharp contrast, in Weller, server 14 (in particular message handling software 34) decides whether the header is to be compressed or not. See, paragraph 0024 last 4 lines of Weller. The decision (of whether to send compressed header or not) alone is communicated to the client 12 of Weller.

Furthermore, as noted above, Malik has the deficiency that compression is not used when the processing load is higher at the remote side (contrary to the recitations of each of the independent claims 1, 36 and 40).

Independent claims 36 and 40 are accordingly allowable over the art of record for this additional reason as well.

The dependent claims are allowable at least for reasons noted above with respect to the corresponding base/independent claims.

Conclusion

All the rejections and objections are thus believed to have been overcome and continuation of examination is respectfully requested. The Examiner is invited to telephone the undersigned representative at 443-552-7281 (4AM-noon EST) if it is believed that an interview might be useful for any reason.

Respectfully submitted,

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